

### ***Remarks***

Reconsideration of remaining claims 1-2 and 4-44 is respectfully requested.

In the Office action dated February 25, 2005, the Examiner objected to the drawings and the specification, and cited claim 42 as being allowed. Claims 3, 5-7, 10-13, 16-18, 21-32 and 36-37 were objected to as depending from a rejected base claim, and claims 1, 2, 4, 8, 9, 14, 15, 19, 20, 33-35, 38-41 and 43-45 were rejected under 35 USC §§ 112 second paragraph and 103(a). The Examiner's various objections and rejections will be addressed below in the order appearing in the Office action.

#### ***Objection to the Drawings***

The Examiner first objected to the drawings in that the IBAP (including the AP and MTA), as defined in claim 45 must be shown, or the features cancelled from the claim. In response, applicants have amended FIG. 9 to label the system of FIG. 9 as "Intelligent Broadband Access Point" (IPAB), with both an "Access Point" (AP) and "Media Terminal Adapter" (MTA) also shown in FIG. 9. Applicants are submitting a corrected drawing sheet, labeled in the top margin as "Replacement Sheet" pursuant to 37 CFR 1.121(d). With this amendment, applicants believe the Examiner's objection to the drawings is now fully met.

#### ***Objection to the Specification***

The "Abstract of the Disclosure" was objected to by the Examiner inasmuch as it used the same wording as in application 09/881,111. In response, applicants have amended the *Abstract* to relate to the "system" subject matter of the present invention, as indicated by the above-included amendment. Applicants thus respectfully request the Examiner to review the amended "Abstract of the Disclosure" and find it to be acceptable.

***35 USC § 112, second paragraph Rejection - Claims 38-41 and 43-44***

The Examiner rejected the above-cited claims under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention.

In response, applicants have amended claims 33 and 43 to replace the term “wideband radio” with --wireless radio--. Applicants have further amended the definitions of the quad upconverter and downconverter to remove the adjective “digital”. With these amendments, applicants believe that claims 38-41 and 43-44 are now in full compliance with the requirements of 35 USC 112, second paragraph. Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 38-41 and 43-44 to be in condition for allowance.

***35 USC § 102(e) Rejection - Claim 45***

The Examiner rejected claim 45 under 35 USC 102(e) as being anticipated by US Patent 6,335,936 (Bossemeyer, Jr. et al.). In response, and without prejudice, applicants have cancelled claim 45 from this application in order to further the prosecution of the remaining objected-to claims.

***35 USC § 103(a) Rejection - Claims 1, 2, 4, 8, 9, 14, 15, 19, 20, 33, 34 and 35***

The above-cited claims were rejected by the Examiner under 35 USC 103(a) as being unpatentable over US Patent 6,424,646 (Gerszberg et al.). In order to overcome the Examiner’s rejection, applicants have amended independent claim 1 to include the “allowable” subject matter of claim 3. With the inclusion of this limitation in independent claim 1, applicants assert that the rejection in light of Gerszberg et al. has been overcome. Applicants thus respectfully request the Examiner to reconsider this rejection and find the remaining cited claims to also be in condition for allowance in accordance with the amendment to independent claims 1.

***Allowable Subject Matter***

Lastly, the Examiner cited claim 42 as "allowed", and cited remaining claims 3, 5-7, 10-13, 16-18, 21-32 and 36-37 as "objected to" (in light of depending from a rejected base claim), but containing patentable subject matter. As mentioned above, the allowable subject matter of claim 3 has been incorporated into independent claim 1. With this amendment, applicants assert that remaining dependent claims 5-7, 10-13, 16-18, 21-32 and 36-37 are now in condition for allowance (claim 3 having been cancelled).

With these amendments, applicants believe that all of the remaining claims are now in condition for allowance and respectfully request an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue, and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

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